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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/721,005	11/24/2003	Robert A. Chingon	03-1016	5645				
32127 VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD, SUITE 500 ARLINGTON, VA 22201-2909	7590 12/28/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">GAUTHIER, GERALD</td></tr></table>		EXAMINER		GAUTHIER, GERALD	
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			<table border="1"><tr><td>NOTIFICATION DATE</td><td>DELIVERY MODE</td></tr><tr><td>12/28/2007</td><td>ELECTRONIC</td></tr></table>	NOTIFICATION DATE	DELIVERY MODE	12/28/2007	ELECTRONIC	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

## Office Action Summary

Application No.

10/721,005

Applicant(s)

CHINGON ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-7, 9-15, 17, 18, 25-54 and 57-113 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-54, 57-71, 75-101 and 105-113 is/are allowed.
- 6) ☒ Claim(s) 2-7, 9-15, 17, 18, 25-47, 72, 73 and 102-104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/23/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. **Claims 2-15, 17-18, 25-30, 33-42 and 46-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedingfield (US 2002/0076022 A1) in view of Shen et al. (US 6,947,538 B2).

Regarding **claims 33 and 46**, Bedingfield discloses a method for monitoring incoming communications to a telecommunications device (paragraph 0004), comprising:

receiving, from a service control point, information pertaining to a call to a customer, the service control point being operable to determine how a call is connected (paragraph 0012);

retrieving data corresponding to the customer using the information pertaining to the call (paragraph 0012);

sending a notification of the call to a device associated with the customer, wherein the device is determined based on the retrieved data (paragraph 0012).

Bedingfield fails to disclose receiving a response to the notification from the customer.

However, Shen teaches displaying the notification with customer-selectable options for managing the call (column 8, line 54 to column 9, line 23);

receiving a response to the notification from the customer (column 8, line 54 to column 9, line 23); and

instructing the service control point to connect the call based on the response (column 8, line 54 to column 9, line 23).

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Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Bedingfield using the teaching of receiving a response from the subscriber as taught by Shen.

This modification of the invention enables the system to receive a response to the notification from the customer so that the user would make a selection with an input command.

Regarding **claim 2**, Bedingfield discloses a method, wherein, prior to the information receiving step, a switch intercepts the call (paragraph 0012).

Regarding **claim 3**, Bedingfield discloses a method, wherein the switch intercepts the call upon encountering a trigger (paragraph 0012).

Regarding **claim 4**, Bedingfield discloses a method, wherein the trigger is a terminating attempt trigger (paragraph 0012).

Regarding **claim 5**, Bedingfield discloses a method, wherein the trigger is a specific digit string trigger (paragraph 0012).

Regarding **claim 6**, Bedingfield discloses a method, further comprising sending an announcement to the switch by the service control point (paragraph 0031).

Regarding **claim 7**, Bedingfield discloses a method, comprising playing the announcement for a calling party while the service control point is waiting for a response (paragraph 0031).

Regarding **claim 9**, Bedingfield discloses a method, wherein receiving the information pertaining to the call comprises receiving the information pertaining to the call via a Generic Data Interface (column 6, lines 30-45).

Regarding **claim 10**, Bedingfield discloses a method, further comprising, prior to sending the notification: determining features that are enabled for the customer based on the information pertaining to the call (paragraph 0034).

Regarding **claims 11, 12**, Bedingfield discloses a method, the sending comprising: providing the notification to the selected device for display on the selected device (paragraph 0031).

Regarding **claims 13, 35 and 47**, Bedingfield discloses a method, wherein the retrieved data comprises an indication of an access point that the customer is using (paragraph 0031).

Regarding **claim 14**, Bedingfield discloses a method, wherein the retrieved data comprises at least one of an indication of an access point that the customer is using, a

call block list, a list of forwarding devices, a list of forwarding numbers, voice mail preferences, and a list of recordings (paragraph 0031).

Regarding **claim 15**, Bedingfield discloses a method, the retrieving comprising: determining a customer identification using called number data (paragraph 0031); and finding an indication of an access point being used by the customer, utilizing the customer identification (paragraph 0031).

Regarding **claim 17**, Bedingfield discloses a method, wherein the notification comprises an indication of a calling number and a called number (paragraph 0037).

Regarding **claim 18**, Bedingfield discloses a method, wherein the notification is displayed on the device associated with the customer (paragraph 0031).

Regarding **claim 25**, Bedingfield discloses a method, wherein the notification includes a plurality of customer-selectable call disposition options limited by the features determined to be enabled (paragraph 0037).

Regarding **claim 26**, Bedingfield discloses a method, the instructing comprising: sending the service control point response information indicative of the response to the notification from the customer (paragraph 0031).

Regarding **claim 27**, Bedingfield discloses a method, wherein the response information includes at least one of call disposition information, forwarding number information, nature of forwarding number information, carrier access code, announcement type, and ring cadence (paragraph 0037).

Regarding **claim 28**, Bedingfield discloses a method, wherein the response information includes call disposition information (paragraph 0037).

Regarding **claim 29**, Bedingfield discloses a method, wherein the call disposition information comprises an indication of at least one of sending a call to voice mail, forwarding a call to another device, performing a call screening operation, accepting a call, playing an announcement, placing a call on hold, scheduling a call back operation, performing an automatic call back operation, performing a call block operation, and initiating a conference call (paragraph 0037).

Regarding **claim 30**, Bedingfield discloses a method, the instructing comprising: instructing the service control point to forward the call to another device based on the response to the notification (paragraph 0037).

Regarding **claim 34**, Bedingfield discloses a method, wherein the information pertaining to the call comprises at least one of call state data, a call intercept indicator, a voice mail indicator, time zone data, user ID, called number data, calling name data,



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calling number data, and calling party number presentation information (paragraph 0034).

Regarding **claim 36**, Bedingfield discloses a method, wherein the notification comprises a plurality of customer-selectable call disposition options (paragraph 0037).

Regarding **claims 37 and 42**, Bedingfield discloses a method, wherein the call disposition options comprise at least one of sending a call to voice mail, forwarding a call to another device, performing a call screening operation, accepting a call, playing an announcement, placing a call on hold, scheduling a call back operation, performing an automatic call back operation, performing a call block operation, and initiating a conference call (paragraph 0037).

Regarding **claim 39**, Bedingfield discloses a method, wherein the call disposition options comprise performing a call screening operation (paragraph 0031).

Regarding **claims 40 and 41**, Bedingfield discloses a method, wherein the call disposition options comprise scheduling a call back operation (paragraph 0037).

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5. **Claims 31, 32, 38, 43-45, 72-74, 102 and 103** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedingfield in view of Shen and further in view of Patel et al. (US 6,807,259 B1).

Regarding **claim(s) 43, 72, 74 and 102**, Bedingfield discloses a method for managing a call in real-time based on input from a user (paragraph 0004), comprising:

storing user preference information indicating a first device and a second device associated with the user (paragraph 0031)

receiving information pertaining to a call to the user (paragraph 0012);

sending a notification of the call to a first device associated with the user (paragraph 0012);

Bedingfield fails to disclose receiving a response to the notification from the user.

However, Shen teaches receiving a response to the notification from the user, the response identifying the second device (column 8, line 54 to column 9, line 23).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Bedingfield using the teaching of receiving a response from the subscriber as taught by Shen.

This modification of the invention enables the system to receive a response to the notification from the customer so that the user would monitor the incoming call.

Bedingfield fails to disclose forwarding the call to the second device.

However, Patel teaches forwarding the call to the second device based on the response and the stored user presence information (column 5, line 66 to column 6, line 4).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Bedingfield using the teaching of forwarding to another number as taught by Patel.

This modification of the invention enables the system to forwarding the call to a second device so that the user would receive the call.

Regarding **claim 31**, Patel teaches a method, further comprising forwarding the call to another device having a phone number entered by the customer (column 5, line 66 to column 6, line 4).

Regarding **claim 32**, Patel teaches a method, further comprising forwarding the call to another device having a phone number selected from a list by the customer (column 5, line 66 to column 6, line 4).

Regarding **claim 38**, Patel teaches a method, wherein the call disposition options comprise forwarding a call to another device (column 5, line 66 to column 6, line 4).

Regarding **claims 44 and 103**, Bedingfield discloses a method, the sending comprising: retrieving data corresponding to the user using the information pertaining to the call (paragraph 0012);

selecting a device associated with the user to receive the notification based on the data corresponding to the user (paragraph 0012); and

providing the notification to the selected device for display on the selected device (paragraph 0012).

Regarding **claims 45**, Bedingfield discloses a method, wherein the retrieved data comprises an indication of an access point that the user is using (paragraph 0012).

Regarding **claims 73**, Bedingfield discloses an apparatus, the means for sending comprising: means for retrieving data corresponding to the user using the information pertaining to the call (paragraph 0012);

means for selecting a device associated with the user to receive the notification based on the data corresponding to the user (paragraph 0012; and

means for providing the notification to the selected device for display on the selected device (paragraph 0012.

wherein the displayed notification provides the option of forwarding the call to the second device and indicates a called number (paragraph 0012.

***Allowable Subject Matter***

6. **Claims 48-71, 75-101 and 105-113** are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to **claim(s) 2-7, 9-15, 17, 18, 25-54 and 57-113** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner  
Art Unit 2614

GG

December 18, 2007